

CLARE E. CONNORS #7936
United States Attorney
District of Hawaii

MICHAEL NAMMAR
MARK A. INCIONG CA BAR #163443
W. KEAUPUNI AKINA #11565
AISLINN AFFINITO
Assistant U.S. Attorneys
Room 6-100, PJKK Federal Bldg.
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-2958
Email: Michael.Nammar@usdoj.gov
Mark.Inciong@usdoj.gov
Keaupuni.Akina@usdoj.gov
Aislinn.Affinito@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 24-00005 DKW
)	
Plaintiff,)	UNITED STATES' RESPONSE IN
)	OPPOSITION TO DEFENDANT
vs.)	JOHN B. STANCIL'S MOTION TO
)	CONTINUE SENTENCING DATE;
JOHN B. STANCIL,)	CERTIFICATE OF SERVICE
)	
Defendant.)	
)	

UNITED STATES' RESPONSE IN OPPOSITION TO DEFENDANT
JOHN B. STANCIL'S MOTION TO CONTINUE SENTENCING DATE

The United States of America respectfully submits this response in opposition to Defendant John B. Stancil's motion to continue, wherein Stancil seeks a 60-day continuance of the sentencing hearing as well as any corresponding deadlines for objections to the draft presentence report. The request should be denied as Stancil has not shown good cause for the requested continuance.

Rule 32(b)(1) requires that the "court must impose sentence without unnecessary delay." Fed. R. Crim. P. 32(b)(1). Rule 32(e)(2) requires that, at a minimum, draft presentence reports be filed within "35 days before sentencing." Fed. R. Crim. P. 32(e)(2). Rule 32(f) requires that any objections to the draft presentence report be made by defense counsel or the government "within 14 days after receiving the presentence report." Fed. R. Crim. P. 32(f)(1). Pursuant to Rule 32(b)(2), the court may change the time limits upon a showing of "good cause." Fed. R. Crim. P. 32(b)(2). "Requests for continuances of sentencing are disfavored given the district court's obligation to impose sentence without unnecessary delay." *United States v. Espinola*, 242 Fed.Appx. 709, 711 (1st Cir.2007) (*vacated on other grounds*, 552 U.S. 1240, 128 S.Ct. 1473, 170 L.Ed.2d 294 (2008)).

Here, Stancil has failed to show good cause for the requested continuance. Counsel is represented by two competent court-appointed attorneys. Mr. Rodby has been representing Stancil since August 2020 and Ms. Elliot has been

representing Stancil since November 2023. *See* Docs. 162 and 1115 in Cr. No. 19-000099 DKW-KJM. While Ms. Elliot offers reasons why she has concerns with personally being able to meet with Stancil and file objections to the draft presentence report by December 3, 2024, the motion offers little, if any, reason why Mr. Rodby cannot timely draft objections to the draft presentence report. Indeed, in the motion counsel admits that the trials mentioned by Mr. Rodby are unlikely to proceed. Given this, and given that Mr. Rodby is lead counsel and has been representing Stancil for over four years, there is not good cause to conclude that counsel does not have sufficient time to prepare and file objections to the draft presentence report. The generalized representations with respect to Mr. Rodby's trial calendar are not sufficient to compel a 60-day continuance, especially given that requests for continuances of sentencing are disfavored. *Espinola*, 242 Fed.Appx. at 711.

//

//

//

//

//

//

//

DATED: November 26, 2024, at Honolulu, Hawaii.

Respectfully Submitted,

CLARE E. CONNORS
United States Attorney
District of Hawaii

/s/ Michael Nammar

By _____
MICHAEL NAMMAR
MARK A. INCIONG
W. KEAUPUNI AKINA
AISLINN AFFINITO

Assistant U.S. Attorneys

Attorneys for Plaintiff
UNITED STATES OF AMERICA

CERTIFICATE OF SERVICE

I hereby certify that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF:

Walter J. Rodby, Esq.
Caroline M. Elliot, Esq.

Attorneys for Defendant
JOHN B. STANCIL

DATED: November 26, 2024, at Honolulu, Hawaii.

/s/ Tiani Kaneakua
U.S. Attorney's Office
District of Hawaii